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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROY EMILL MARKS,

Petitioner,

v.

CHIEF DEPUTY,

Respondent.

Case No. CV 15-07508-VAP (KK)

**MEMORANDUM AND ORDER
DENYING REQUEST FOR
APPOINTMENT OF COUNSEL AND
SUMMARILY DISMISSING ACTION**

On September 24, 2015, “Petitioner” Roy Emill Marks, a California state prisoner, filed a “Request for Appointment of Counsel.” (ECF Docket No. 1). Petitioner has not yet filed an actual Petition for Writ of Habeas Corpus with this Court.

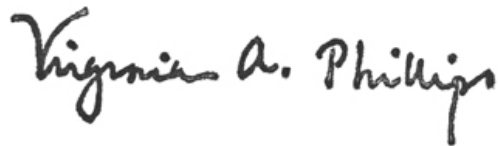
“[T]he sixth amendment right to counsel does not apply in habeas corpus actions.” Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). A district court is authorized to appoint counsel for a habeas petitioner when it determines the interests of justice require such appointment. 18 U.S.C. § 3006A(a)(2)(B)). However, “[u]nless an evidentiary hearing is required, the decision to appoint counsel is within the discretion of the district court.” Knaubert, 791 F.2d at 728. “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that

1 appointed counsel is necessary to prevent due process violations.” Chaney v.
2 Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

3 After careful consideration of Petitioner’s request, the court finds
4 appointment of counsel is not needed to avoid a due process violation at this
5 juncture.

6 IT IS THEREFORE ORDERED that Petitioner’s Request for Appointment
7 of Counsel is DENIED without prejudice. IT IS FURTHER ORDERED that
8 Judgment be entered summarily dismissing this action without prejudice.

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10 DATED: October 4, 2015



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13 HON. VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE

14 Presented by:



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17 KENLY KIYA KATO
18 UNITED STATES MAGISTRATE JUDGE